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GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045

EXAMINER

NGUYEN, LE V

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 13

Application Number: 09/585,508

Filing Date: June 01, 2000

Appellant(s): BOU ET AL.

Gates & Cooper
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October, 13, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-18 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,511,157	Wang, John S.	04-1996
5,808,604	Chen et al.	12-1996
6,320,601	Takasu et al.	11-2001
5,894,310	Arsenault et al.	04-1999
6,459,442 B1	Edwards et al.	10-2002
	Screen Dumps of Microsoft Windows 4.0	1998

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al. ("Edwards", US 6,459,442 B1) in view of Screen Dumps of Microsoft Windows 4.0 ("MS Win")

As per claim 1, Edwards teaches a computer-implemented method for selecting objects comprising:

displaying a two-dimensional viewport of one or more existing objects maintained within a three-dimensional space represented in a computer-implemented graphics system (fig. 29; col. 12, lines 42-44);

obtaining a selection request from a user using a cursor selection device while locating the cursor in the two-dimensional viewport (col. 12; lines 44-46; *the graphics system keeps track of where the cursor is so that users may manipulate objects*);

examining the existing objects to obtain one or more relationships between the existing objects (col. 12, lines 37-40);

creating one or more virtual objects based on the relationships (col. 14, lines 40-43);

creating a selection set comprised of at least one of the existing objects and at least one of the virtual objects based on the relationships (fig. 17; *selection set comprising of existing object 426d, existing object 426e and virtual object 1702*);

determining if the selection request is for an object in the selection set, and if the selection request is for an object in the selection set, selecting all of the objects in the selection set (fig. 17; *'ab' is grouped to become one entity – user clicks on 'a' and 'ab' is selected, user clicks on 'b' and 'ab' is selected*). Edwards does not specifically disclose the method of selecting objects that are not specifically stroked based on the relationship. MS Win teaches a method of selecting objects that are not specifically stroked based on a relationship (figs. 3-7; *objects 300 and 400 are grouped to become one entity – after mouse clicking on 300(x) and pressing ctrl+clicking on 400(y), user clicks on x and xy is selected, user clicks on y and xy is selected; when users right click on either x or y then select the command "Open" from the Pop-up menu, the "Open" command will be carried out for both x as shown in fig. 7 and y as shown in fig. 6*). Therefore, it would have been obvious to an artisan at the time of the invention to include MS Win's teaching of a method of selecting objects that are not specifically stroked based on a relationship wherein related objects are grouped using non-stroked means to Edward's method of

selecting objects based on the relationship in order to provide users with an alternative method in selecting.

As per claim 2, Edwards teaches a computer-implemented method wherein at least two of the existing objects are line segments and at least one of the virtual objects is a connector connecting the two line segments (col.13, lines 15-20).

As per claim 3, Edwards teaches a computer-implemented method wherein the cursor is located between the two line segments when the selection request is obtained (fig. 17, element 426f).

As per claim 4, Edwards teaches a computer-implemented method wherein the relationships are based on a placement of the existing objects (col. 8 lines 30-32).

As per claim 5, Edwards teaches a computer-implemented method wherein the relationships are based on similarities between the existing objects (col. 7, lines 9-11).

As per claim 6, Edwards teaches a computer-implemented method comprising replying to a query using the objects in the selection set (col. 6, lines 34-38; *user's input in the form of freeform strokes is returned in the form of a collection of handwriting style strokes*).

Claims 7 and 13 are similar in scope to claim 1 and are therefore rejected under similar rational.

Claims 8 and 14 are similar in scope to claim 2 and are therefore rejected under similar rational.

Claims 9 and 15 are similar in scope to claim 3 and are therefore rejected under similar rational.

Claims 10 and 16 are similar in scope to claim 4 and are therefore rejected under similar rational.

Claims 11 and 17 are similar in scope to claim 5 and are therefore rejected under similar rational.

Claims 12 and 18 are similar in scope to claim 6 and are therefore rejected under similar rational.

(11) Response to Argument

Appellants argued the following:

The modified teaching of Edwards and MS Win does not teach examining existing objects to obtain a relationship between the existing objects, creating a non-stroked virtual object based on the relationship wherein creation of a selection set comprises existing objects and a virtual object, and selecting all objects in the set when any object in the set is selected.

Furthermore, Edwards and MS Win are non-analogous art.

The Examiner disagrees for the following reasons:

The modified teaching of Edwards and MS Win teaches examining existing objects to obtain a relationship between the existing objects (Edwards: figs. 15-16; col. 10, lines 19-27; col. 12, lines 42-44; *the system automatically groups objects (objects created by strokes) together in a segment 426d, each segment presented to a user by a bounded rectangular region, as is shown in fig. 15, wherein the resultant of the relationship examined is depicted on the right-hand side of the arrow to be "ab" after the system examines the relationship of "a" and "b" to be such that "b"/1502 is considered to be within the boundaries of "a", as well as in fig. 16, wherein the*

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resultant of the relationship examined is depicted on the right-hand side of the arrow to be "a"/426d and "b"/426e after the system examines the relationship of "a" and "b" to be such that "b"/1602 is considered to be outside the boundaries of "a"; MS Win: figs. 3-7; users examine existing objects 300(x) and 400(y) to obtain a relationship between the existing objects).

The modified teaching of Edwards and MS Win also teaches:

creating a non-stroked virtual object based on the relationship (Edwards: figs. 15-16; col. 10, lines 19-27; col. 12, lines 42-44; based on the relationship described in the previous paragraph, a virtual object is created, wherein virtual objects are consistent with Appellants' definition (page 21, lines 14-16; i.e. as connectors between line segments/other object that may be needed in selecting objects) as well as the standard definition well known to a person of ordinary skills in the art (i.e. as a 3d object or computer simulation of a real object; MS Win: based on the relationship established by users' selection of non-stroked virtual objects 300(x) and 400(y) (wherein icons are created of pixels and selected by left clicking a selection device such as a mouse), a non-stroked virtual object "xy" is created as is depicted and highlighted in fig. 5) wherein creation of a selection set comprises existing objects and a virtual object (Edwards: col. 12, lines 42-51; MS Win: figs. 3-7; a selection set comprising existing objects "ab" or "xy" and a virtual object, which is the connector between line segments/other object that may be needed in selecting objects, as defined by Appellant and wherein existing objects may be virtual objects as well); and

selecting all objects in the set when any object in the set is selected (Edwards: col. 10, lines 19-35; after the set is grouped as described above, users may select either "a" or "b" in the set/segment and all objects in the set is selected and is ready to be acted upon, e.g. through

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such actions as a meta-stroke 504 of fig. 5, a set/segment can be moved by the user through a "drag border" event; MS Win: figs. 3-7; selecting all objects in the set when any object in the set is selected is evident when users select either "x" or "y" in the set/segment, all object in the set is selected and ready for a mouse event such as right-clicking to select "Open", which results in "y" (fig. 6, "MS Publisher...") and "x" (fig. 7, "C:\WINNT...") being simultaneously opened for users' viewing).

Concerning whether Edwards and MS Win are analogous art, the Examiner ascertains and maintains that Edwards and MS Win are indeed analogous art. Edwards teaches a method of examining existing objects to obtain a relationship, creating virtual object(s) based on the relationship and selecting all objects in the set when any object in the set is selected (col. 10, lines 19-35; col. 12, lines 42-44), and MS Win teaches a method of examining existing objects to obtain a relationship, creating virtual object(s) based on the relationship and selecting all objects in the set when any object in the set is selected (figs. 3-7). Thus, Edwards and MS Win are analogous art.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Kristine Kincaid

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Lê Nguyen
November 1, 2003

Conferees
Sy D. Luu
Stephen Sax

[Signature]
STEVEN SAX
PRIMARY EXAMINER

GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045

[Signature]
PRIMARY EXAMINER